

WALTER CHARLES JONES                      §  
VS.    §     CIVIL ACTION NO.  1:16-CV-2  
LEONARD GIBLIN                               §

Petitioner Walter Charles Jones, a prisoner confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, brought this petition for writ of mandamus pursuant to 28 U.S.C. § 1651.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Petitioner filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the court concludes that petitioner's objections lack merit. Petitioner requests an order requiring Judge Leonard Giblin to rule on a motion pending in petitioner's state criminal case. However, this court has no authority to issue a writ of mandamus to direct a state court or

judicial officer to perform his duties. *Moye v. DeKalb County Superior Court*, 474 F.2d 1275, 1276 (5th Cir. 1973).

**ORDER**

Accordingly, petitioner's objections (document no. 4) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 2) is **ADOPTED**. A final judgment will be entered in this case in accordance certificate of appealability will not be issued.

So **ORDERED** and **SIGNED** this **1** day of **June, 2016**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge